



STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
P.O. BOX 304260
MONTGOMERY, ALABAMA 36130-4260

April 30, 2010

LUCY BAXLEY, PRESIDENT

JAN COOK, ASSOCIATE COMMISSIONER

SUSAN D. PARKER, PhD, ASSOCIATE COMMISSIONER

WALTER L. THOMAS, JR.

SECRETARY

MEMORANDUM

TO: Commissioner Lucy Baxley
Commissioner Jan Cook
Commissioner Susan D. Parker

THRU: Judy McLean, Director
Advisory Division

FROM: Aquilla Spivey, Manager
Consumer Services

SUBJECT: Monthly Commission Meeting

The following items will be presented to the Commission during the regular monthly meeting to be held on Tuesday May 4, 2010:

Monthly Activity Report of complaints, inquiries, meetings and field investigations.

Alabama Public Service Commission

Report Date: 4/30/2010

Consumer Service Section

Monthly Activity Report

Between 4/1/2010 And 4/30/2010

Utility Company Code	Needs Service	High Bills	Deposit	Service Problems	Payment Arrangement	Denied Toll	Slamming	Cramming	Billing Problems	Non-Pay Disconnect	900/Pay Per Call	No Jurisdiction	Other	Inquiries	Total
Alabama Power		4		1					1			1		45	52
Alagasco		2		1					13			1	2	36	55
Ardmore															
AT & T Southeast				16				2	19			4		21	62
Castleberry															
CenturyTel									3						3
Deltacom															
Farmers															
Floral															
Frontier				1											1
Graceba															
Gulf															
Hayneville															
Knology of Valley															
MCI															
Millry															
Mobile Gas Service														3	3
Mon-Cre															
Moundville															
National															
New Hope															
OTELCO															
Pine Belt															
Ragland															
Roanoke															
Sprint															
TDS Telecom															
Union Springs															
Windstream															
Water Companies															
Local Resellers	1			2					4					2	9
Miscellaneous Inquiries															455
Misc Jurisdiction				4				6	2					3	15
900/Pay Per Call															
No Jurisdiction	1			6					8	1			1	17	34
Other															
Toll Resellers				1					1						2
TOTALS	2	6		32				8	51	1		6	3	127	691

Field Investigations - 4

Meetings Held/Attended - 1



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SECRETARY

April 22, 2010

MEMORANDUM

**TO: President Lucy Baxley
Commissioner Jan Cook
Commissioner Susan D. Parker**

**FROM: Janice M. Hamilton, Director
Energy Division**

SUBJECT: Agenda - May 4, 2010 Commission Meeting

The Energy Division will present the following items at the May 4, 2010 Commission Meeting.

NATURAL GAS

ALABAMA GAS CORPORATION

**Docket 18046 Division Report on Rate RSE as of March 31, 2010
and
18328**

MOBILE GAS SERVICE CORPORATION

Docket 28101 Division Report on Rate RSE as of March 31, 2010

ELECTRICITY

ALABAMA POWER COMPANY

- Docket** 18117 Division Report on Rate RSE and Rate ECR as of March 31, 2010
and
18416;
18148
- Docket** 18005 Petition Seeking Approval of the 31st Revision of Rate PAE (Purchase of Alternate Energy), Effective June 1, 2010 Billings
- Recommendation:** Approval

SUMMARY OF OTHER ENERGY FILING (S)

ALABAMA POWER COMPANY

- Docket** D-6562 Petition Seeking Approval of Amendment No. 3 to the Contract for Electric Power with SSAB Alabama, Inc. (formerly IPSCO Steel Alabama, Inc.)
- Status:** Pursuant to Rate FCR (Flexible Contract Rate), this Amendment becomes effective 10 days after the filing date unless the Commission objects. Because there were no objections, the amendment was deemed approved as of April 25, 2010
- Docket** D-6563 Petition Seeking Approval of Amendment No. 3 to the Contract for Electric Power with SMI Steel, Inc
- Status:** Pursuant to Rate FCR (Flexible Contract Rate), this Amendment becomes effective 10 days after the filing date unless the Commission objects. Because there were no objections, the amendment was deemed approved as of April 25, 2010



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April 21, 2010

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SUSAN D. PARKER, PHD, ASSOCIATE COMMISSIONER

WALTER L. THOMAS, JR.
SECRETARY

MEMORANDUM

To: President Lucy Baxley
Commissioner Jan Cook
Commissioner Susan D. Parker

Through: Janice M. Hamilton, Director
Energy Division

From: Robert E. Reed, Manager
Natural Gas Section

Subject: Division Report on Rate RSE for Alabama Gas Corporation as of March 31, 2010

As part of the Division's monitoring function, the staff has developed the return on average common equity for Alabama Gas Corporation for the twelve months ending March 31, 2010.

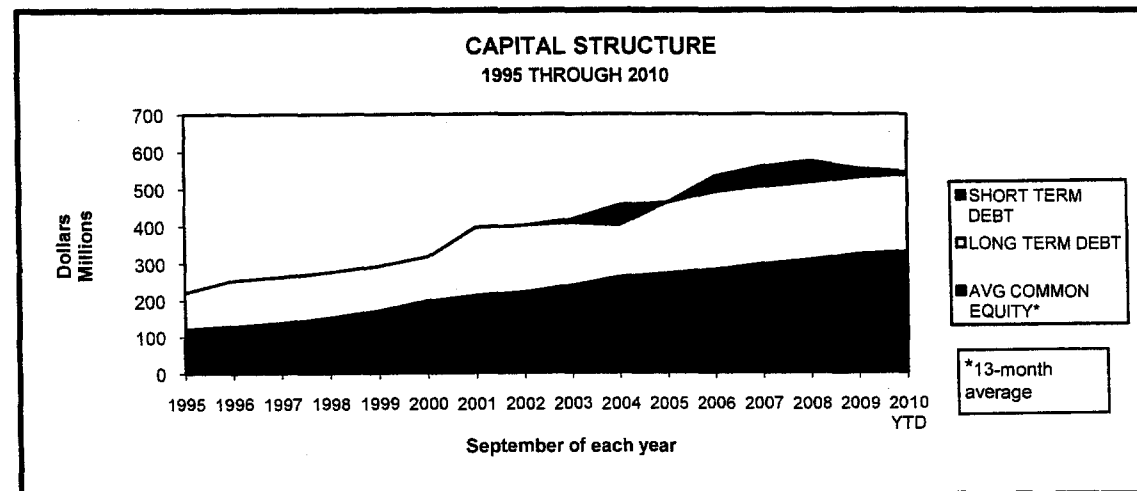
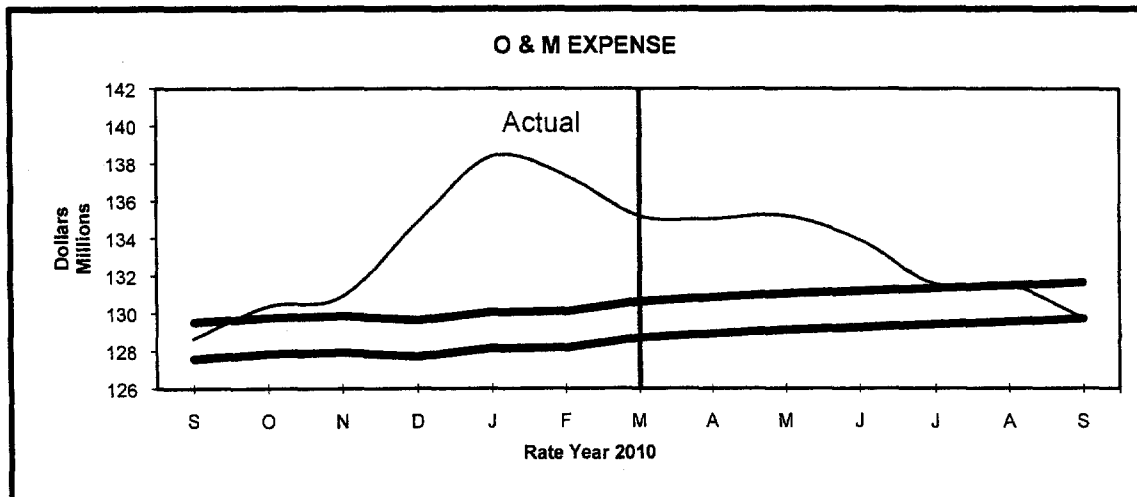
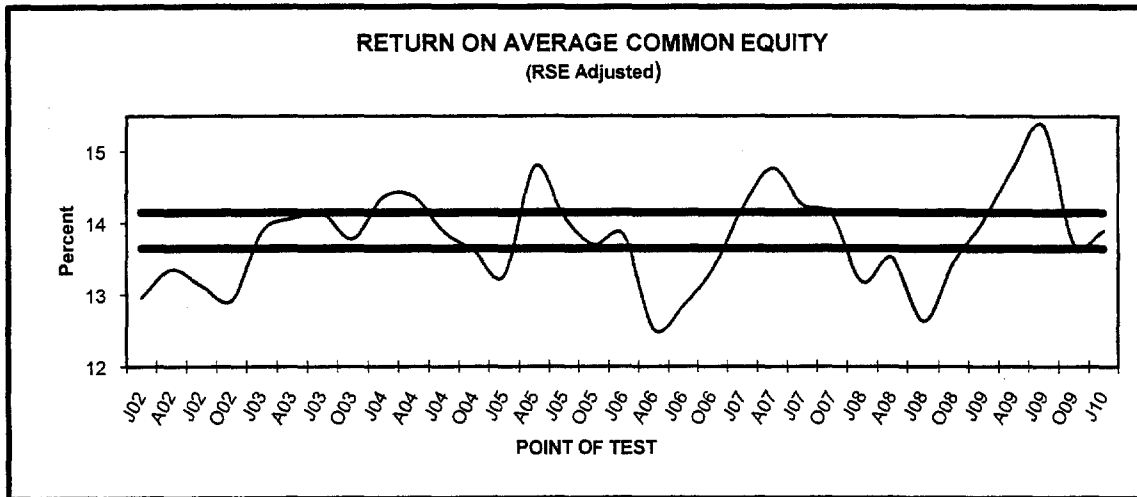
Based on preliminary figures, the return on average common equity for financial reporting purposes for the twelve months ending March 31, 2010, is 12.8 percent. When club dues, donations, and lobbying expenses are added, the RSE return is 12.9 percent.

Return on Equity at March 2010		
	Financial	RSE
Average Common Equity	\$330,089,978	\$330,089,978
Net Income	\$42,184,321	\$42,184,321
Net Expense Adjustment		\$323,063
RSE Net Income		\$42,507,384
RSE Return on Common Equity	12.78%	12.88%

Attachment:

ALABAMA GAS CORPORATION

March 2010





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April 21, 2010

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MEMORANDUM

To: President Lucy Baxley
Commissioner Jan Cook
Commissioner Susan D. Parker

Through: Janice M. Hamilton, Director
Energy Division

From: Robert E. Reed, Manager
Natural Gas Section

Subject: Division Report on Rate RSE for Mobile Gas Service Corporation as of
March 31, 2010

As part of the Division's monitoring function, the staff has developed the return on average common equity for Mobile Gas Service Corporation for the twelve months ending March 31, 2010.

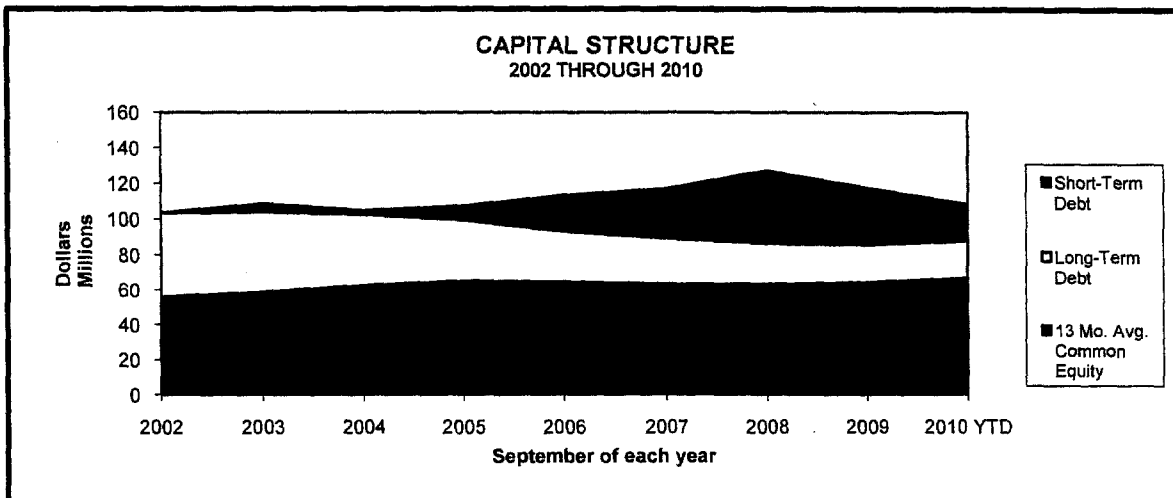
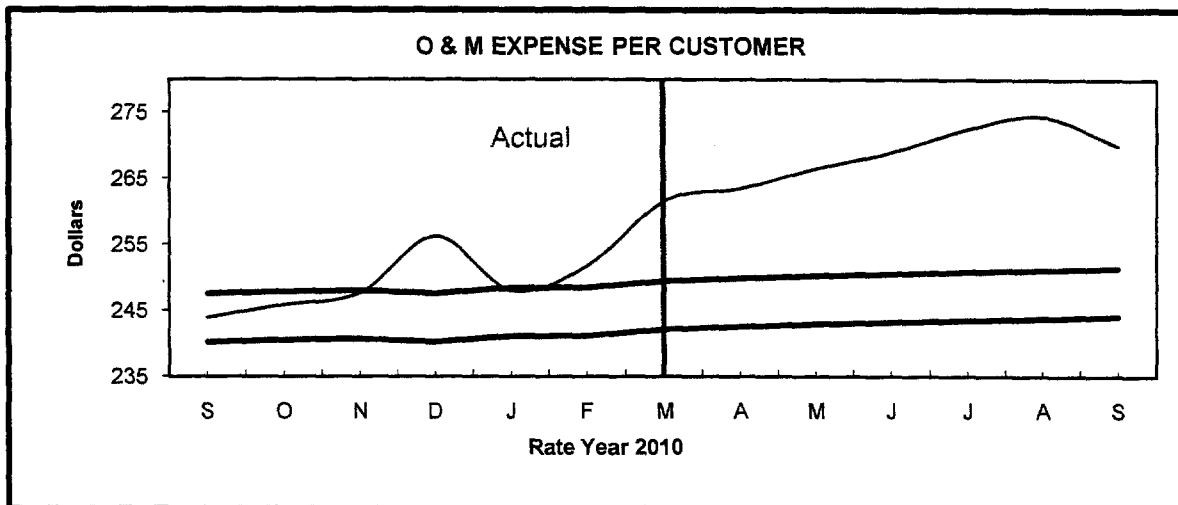
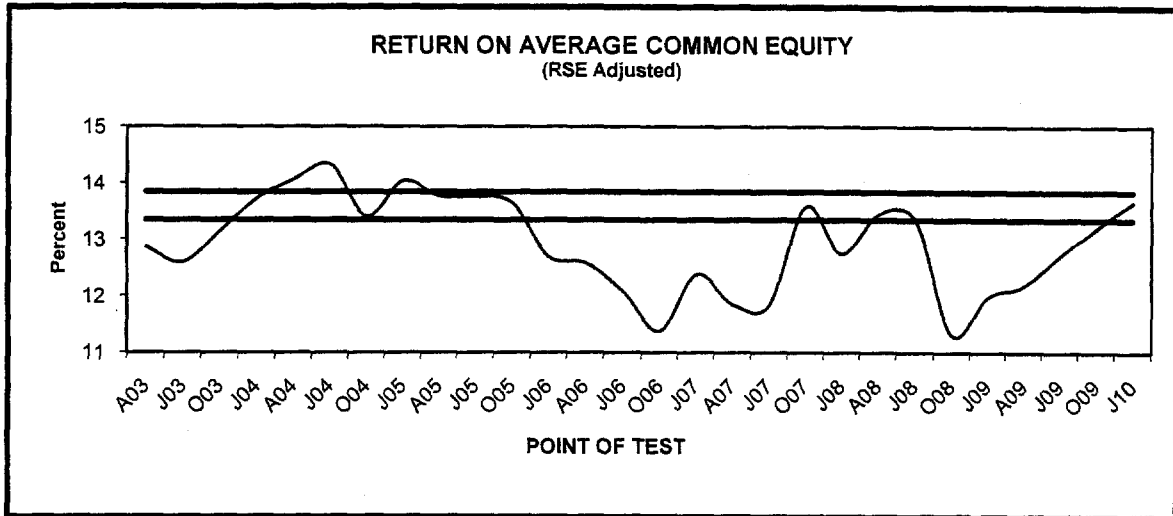
Based on preliminary figures, the return on average common equity for financial reporting purposes for the twelve months ending March 31, 2010, is 13.0 percent. When club dues, donations, and lobbying expenses are added, the RSE return is 13.2 percent.

Return on Equity at March 2010		
	Financial	RSE
Average Common Equity	\$66,801,150	\$66,801,150
Net Income	\$8,692,674	\$8,692,674
Net Expense Adjustment		\$127,724
RSE Net Income		\$8,820,398
RSE Return on Common Equity	13.01%	13.20%

Attachment:

MOBILE GAS SERVICE CORPORATION

March 2010





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April 21, 2010

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WALTER L. THOMAS, JR.
SECRETARY

MEMORANDUM

TO: President Lucy Baxley
Commissioner Jan Cook
Commissioner Susan D. Parker

THROUGH: Janice M. Hamilton, Director
Energy Division

FROM: Bernard W. Givan, Manager
Electricity Section

SUBJECT: Division Report on Rate RSE and Rate ECR for Alabama Power Company as of
March 31, 2010

The Energy Division performed the regular monthly examination of the books and records of Alabama Power Company. The financial highlights are presented in the tables below:

Rate RSE Forecast
12 Months Ending DECEMBER 31, 2010
14.00%

Rate ECR Summary	
Recovery for MARCH 2010	Balance as of MARCH 31, 2010
\$2,033,517 Under-Recovered	\$172,745,671 Over-Recovered

The attached report, prepared for review by the Commission, presents the Energy Division's computations and determinations of the December 2010 Retail Return on Average Common Equity. In addition, the current and projected status pertaining to the accumulated Over and Under Recovery for Rate ECR is presented.

ENERGY DIVISION

**Alabama Power Company
Forecast of Retail Return on Average Common Equity
For the 12 Months Ending December 31, 2010**

Common Equity as of March 31, 2010		\$5,318,294,205
Add Budgeted Net Income:		
April through December 2010	\$557,281,000	
Add Budgeted Capital Contributions:		
April through December 2010	(\$3,941,000)	
Add Other Adjustments:		
April through December 2010	<u>\$611,000</u>	\$553,951,000
Deduct Budgeted Stock Dividends:		
April through December 2010	<u>\$443,676,000</u>	<u>\$443,676,000</u>
Projected Common Equity as of December 31, 2010		<u>\$5,428,569,205</u>
Projected Average Common Equity For the 12 Months Ending December 31, 2010		\$5,344,944,971
Projected Retail Investment Separation Factor		92.04%
Projected Average Retail Common Equity For the 12 Months Ending December 31, 2010		\$4,919,487,352
Projected Retail Net Income For the 12 Months Ending December 31, 2010		\$688,866,810
Projected Retail Return On Average Common Equity For the 12 Months Ending December 31, 2010		14.00%

The Common Equity as of March 31, 2010 (Actual) was adjusted using net income, payment of Common Stock and Preferred Stock dividends, Capital Contributions, and Other Adjustments from the Company's 2010 budget. The average common equity is a 12-month average using actual and budgeted data. The average retail common equity (RCE) was calculated using an estimated retail separation factor of 92.04%. The retail net income (RNI) for average common equity was calculated by using actual data for the three months ended March 31, 2010, and then adding nine months of budget data for April through December 2010. The Other Adjustments added to projected common equity is the result of the Company adopting FASB Statement 123 (R), which requires the reporting of stock option expenses.

The Forecast is subject to change due to uncertainties associated with weather, customer usage patterns, and economic conditions across the state.

ENERGY DIVISION

**Alabama Power Company
Forecast of Energy Cost Recovery
For the Period Ending December 31, 2010**

	Energy Cost (\$/MWH)		ECR Seasonal Factor (\$/MWH)	Over/(Under) Recovery	
	Month	12 Months Ended		Month (\$)	Cumulative (\$)
JAN 09 Act	32.138	33.133	37.866	17,588,864	(288,043,939)
FEB 09 Act	29.225	33.478	37.866	46,249,431	(241,794,508)
MAR 09 Act	23.725	33.803	37.866	52,791,864	(189,002,644)
APR 09 Act	27.981	34.265	37.866	30,703,964	(158,298,681)
MAY 09 Act	25.204	34.415	37.866	36,175,778	(122,122,904)
JUN 09 Act	34.087	34.193	40.242	20,010,617	(102,112,288)
JUL 09 Act	29.265	33.319	40.242	50,306,061	(51,806,227)
AUG 09 Act	31.816	32.718	40.242	40,669,269	(11,136,958)
SEP 09 Act	26.389	31.100	40.242	65,908,449	54,771,491
OCT 09 Act	21.259	29.801	35.490	61,913,104	116,684,595
NOV 09 Act	21.901	28.270	35.490	44,431,206	161,115,801
DEC 09 Act	24.622	27.542	35.490	38,503,045	199,618,846
JAN 10 Act	29.084	27.297	22.845	(27,590,450)	172,028,395
FEB 10 Act	22.707	26.751	22.845	2,750,793	174,779,188
MAR 10 Act	24.155	26.762	22.845	(2,033,517)	172,745,671
APR 10 Bud	29.027	26.847	22.845	(25,372,130)	147,373,541
MAY 10 Bud	28.788	27.130	22.845	(32,529,120)	114,844,421
JUN 10 Bud	26.416	26.470	25.904	(5,330,968)	109,513,453
JUL 10 Bud	27.893	26.335	25.904	(14,691,504)	94,821,949
AUG 10 Bud	28.969	26.095	25.904	(20,097,168)	74,724,781
SEP 10 Bud	26.582	26.112	25.904	9,385,432	84,110,213
OCT 10 Bud	27.257	26.551	22.845	(17,102,745)	67,007,468
NOV 10 Bud	27.128	26.924	22.845	(18,012,960)	48,994,508
DEC 10 Bud	25.236	26.972	22.845	(13,977,355)	35,017,153

The estimates used in the above table are subject to change due to uncertainties associated with weather, customer usage patterns, and economic conditions across the state.



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SECRETARY

MEMORANDUM

DATE: April 23, 2010

TO: Commissioner Lucy Baxley
Commissioner Jan Cook
Commissioner Susan D. Parker

FROM: Darrell A. Baker *DAB*
Telecommunications Division

SUBJECT: Agenda for May 4, 2010 Commission Meeting.

The following items will be presented to the Commission during the regular May 4, 2010 Commission Meeting.

INTERCONNECTION AGREEMENT (S)

- Docket U-4843 CENTURYTEL OF ALABAMA, LLC d/b/a CENTURYLINK and CHARTER FIBERLINK-ALABAMA, LLC -- Approval of an Interconnection Agreement between CenturyTel of Alabama, LLC, dba CenturyLink and Charter FiberLink-Alabama, LLC. In accordance with Section 252(i) of the Telecommunications Act of 1996, Charter FiberLink-Alabama requests adoption of the existing Interconnection Agreement between CenturyLink and Bright House Networks Information Services, LLC that was approved by the Commission in Docket U-4867. Recommend Approval.
- Docket U-4963 BULLSEYE TELECOM, INC and CENTURYTEL OF ALABAMA, LLC d/b/a CENTURYLINK -- Approval of the Interconnection Agreement negotiated by CenturyTel of Alabama, LLC, dba CenturyLink and Bullseye Telecom, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996. Recommend Approval.

- Docket U-4964 BULLSEYE TELECOM, INC and GULF TELEPHONE COMPANY d/b/a CENTURYLINK -- Approval of the Interconnection Agreement negotiated by Gulf Telephone Company, dba CenturyLink and Bullseye Telecom, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Recommend Approval.
- Docket U-4965 BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a AT&T ALABAMA or AT&T SOUTHEAST and ZEUS WIRELESS, LLC -- Approval of the Interconnection Agreement and Amendment negotiated by BellSouth Telecommunications, Inc. d/b/a AT&T Alabama and Zeus Wireless, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Recommend Approval.
- Docket U-4966 BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a AT&T ALABAMA or AT&T SOUTHEAST and NEW TALK, INC. -- Approval of the Interconnection Agreement negotiated by BellSouth Telecommunications, Inc. d/b/a AT&T Alabama and New Talk, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Recommend Approval.
- Docket U-4969 BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a AT&T ALABAMA or AT&T SOUTHEAST and HALO WIRELESS, INC. -- Approval of the Interconnection Agreement and Amendment negotiated by BellSouth Telecommunications, Inc. d/b/a AT&T Alabama and Halo Wireless, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Recommend Approval.

PETITION (S)

- Docket U-4967 DSI-ITL, LLC -- Application for Certificate of Public Convenience and Necessity to provide Inmate Phone Service in the state of Alabama.
Recommend Approval.
- Docket U-4968 LEGACY LONG DISTANCE INTERNATIONAL, INC. d/b/a LLDI, INC. -- Application for Certificate of Public Convenience and Necessity to provide Inmate Phone Service in the state of Alabama.
Recommend Approval.

NAME CHANGE (S)

- Docket 26531 NUVOX COMMUNICATIONS, INC. -- Changes the Company name to Windstream NuVox Communications, Inc.
Recommend Approval.

MISCELLANEOUS

- Docket 30934 ALL TELECOMMUNICATIONS COMPANIES -- Registration of Third-Party Providers for Telecommunications Billings. Third-Party Providers and Billing Aggregators request approval of their registration with the Commission for purposes of including their charges on the consumer bills of regulated telecommunications carriers.
Recommend Approval.
- Docket 31378 BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a AT&T ALABAMA or AT&T SOUTHEAST -- Revises exchange boundary maps for Anniston, Athens, Gurley, Huntsville, Jacksonville, and Madison Alabama exchanges in order to more accurately depict actual boundaries.
Recommend Approval.

SUMMARY OF OTHER FILING (S)

- D-6558 CENTURYTEL ACQUISITIONS LLC -- Introduces language for Unauthorized Access and Hacking to the Rules and Regulation section, which clarifies the Company's limitation of liability regarding service irregularities resulting from unauthorized usage. Filed March 29, 2010, with a requested effective date of April 12, 2010.
- D-6559 CENTURYTEL SOLUTIONS, LLC d/b/a CENTURYLINK -- Introduces language for Unauthorized Access and Hacking to the Rules and Regulation section, which clarifies the Company's limitation of liability regarding service irregularities resulting from unauthorized usage. Filed March 29, 2010, with a requested effective date of April 12, 2010.

- D-6560 CENTURYTEL OF SOUTHERN ALABAMA -- Introduces language that exempts active duty members of the United States military and their dependents (with valid military ID cards) from certain service charges when establishing new or transferring existing local service. Also, introduces language for Unauthorized Access and Hacking to the Rules and Regulation section, which clarifies the Company's limitations of liability regarding service irregularities resulting from unauthorized usage. Filed March 29, 2010, with a requested effective date of April 12, 2010.
- D-6561 CENTURYTEL OF NORTHERN ALABAMA -- Introduces language that exempts active duty members of the United States military and their dependents (with valid military ID cards) from certain service charges when establishing new or transferring existing local service. Also, introduces language for Unauthorized Access and Hacking to the Rules and Regulation section, which clarifies the Company's limitations of liability regarding service irregularities resulting from unauthorized usage. Filed March 29, 2010, with a requested effective date of April 12, 2010.
- D-6564 GULF TELEPHONE COMPANY d/b/a CENTURYLINK -- Amends the Transition Service Fund (TSF) to reflect access line growth in accordance with Alabama Service Dockets 24499, 24472, 24030, and 24865. Filed April 13, 2010, with a requested effective date of April 15, 2010.
- D-6565 BIRCH COMMUNICATIONS, INC. -- Introduces Volume Service Offering to the Special Arrangements section of the Access Services Tariff. Filed March 30, 2010, with a requested effective date of April 1, 2010.
- D-6566 MADISON RIVER COMMUNICATIONS, LLC d/b/a CENTURYLINK -- Introduces language for Unauthorized Access and Hacking to the Rules and Regulation section, which clarifies the Company's limitation of liability regarding service irregularities resulting from unauthorized usage. Filed March 29, 2010, with a requested effective date of April 12, 2010.
- D-6567 GULF TELEPHONE COMPANY d/b/a CENTURYLINK -- Introduces language that exempts active duty members of the United States military and their dependents (with valid military ID cards) from certain service charges when establishing new or transferring existing local service. Also, introduces language for Unauthorized Access and Hacking to the Rules and Regulation section, which clarifies the Company's limitations of liability regarding service irregularities resulting from unauthorized usage. Filed March 29, 2010, with a requested effective date of April 12, 2010.

- D-6568 BLOUNTSVILLE TELEPHONE COMPANY (OTELCO) -- Increases the rates for Premises Visit Work Charges for both residential and business customers. Filed April 15, 2010, with a requested effective date of June 1, 2010.
- D-6569 OTELCO TELEPHONE LLC -- Revises the rates for Premises Visit Work Charges for residential and business customers. Deletes Central Office Work Charge and Access Line Connection Charge which are now included as part of the Service Order Work Charge. Also, revises the rates and regulations for Service Order Work Charges. Filed April 15, 2010, with a requested effective date of June 1, 2010.
- D-6570 BRINDLEE MOUNTAIN TELEPHONE COMPANY -- Increases the rates for Premises Visit Work Charges for residential and business customers. Filed April 16, 2010, with a requested effective date of June 1, 2010.
- D-6571 HOPPER TELECOMMUNICATIONS COMPANY, INC. -- Increases the rates for Premises Visit Work Charges for residential and business customers. Filed April 15, 2010, with a requested effective date of June 1, 2010.



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SECRETARY

MEMORANDUM

DATE: April 28, 2010

TO: Commissioner Lucy Baxley
Commissioner Jan Cook
Commissioner Susan D. Parker

FROM: Darrell A. Baker *AKB*
Telecommunications Division

SUBJECT: Supplemental Agenda for May 4, 2010 Commission Meeting.

The following supplemental items will be presented to the Commission during the regular May 4, 2010 Commission Meeting.

PETITION (S)

Docket U-4970 BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a AT&T
ALABAMA or AT&T SOUTHEAST -- BellSouth Telecommunications,
Inc., d/b/a AT&T Alabama's Petition for Review of Administrators Denial of
Numbering Resources in the Birmingham Rate Center.
Recommend Approval.



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SECRETARY

MEMORANDUM

DATE: April 23, 2010

TO: Commission President Lucy Baxley
Commissioner Jan Cook
Commissioner Susan D. Parker
Division Directors

FROM: Legal Division

SUBJECT: Agenda - May 4, 2010 Commission Meeting

The Legal Division will present the following at the May 4, 2010 Commission Meeting:

DOCKET 29438 (M) - Petition of Nexco, Inc. for cancellation of Motor Carrier Certificate F3136.

Recommend: Grant cancellation as requested.

DOCKET 30074 (M) - Petition of Hatfield, L.L.C. for cancellation of Motor Carrier Certificate F3519.

Recommend: Grant cancellation as requested.

DOCKET 29601 (M) - Petition of Jimmy L. Griffin, d/b/a Griffin Hauling for cancellation of Motor Carrier Certificate F3229.

Recommend: Grant cancellation as requested.

DOCKET 31276 (M) - Motor Carrier Certificate F1701 transferred to R J Auto Transport, Inc. ("R J") by Commission Order dated January 7, 2010. Said Order also required R J to obtain registration numbers and properly identify its vehicles within 90 days of the effective date of the Order. R J has failed to timely comply with these requirements.

Recommend: Cancellation on 30-days' notice.

DOCKET 31294 (M) - Motor Carrier Certificate F767 was transferred to B & D Logistics, Inc., d/b/a Jo-Mar Delivery Service ("Jo-Mar") by Commission Order dated January 7, 2010. Said Order also required Jo-Mar to file proper proof of cargo and liability insurance coverage, obtain registration numbers, and properly identify its vehicles within 90 days of the effective date of the Order. Jo-Mar has failed to timely comply with these requirements.

Recommend: Cancellation on 30-days' notice.

DOCKET 26770 (M) - Motor Carrier Certificate F1589 held by B.N.L. Trucking, Inc., d/b/a B.N.L. Trucking ("B.N.L.") was suspended by Commission Order dated March 6, 2009, for a period of one year. B.N.L. has failed to notify the Commission of its intention to recommence operations or relinquish Motor Carrier Certificate F1589 despite a request from Commission staff to do so.

Recommend: Cancellation on 30-days' notice.

DOCKET 30901 (M) - Motor Carrier Certificate F4082 held by Amos Jones, Jr., d/b/a Triple A Trucking ("Triple A") was suspended by Commission Order dated March 6, 2009, for a period of one year. Triple A has failed to notify the Commission of its intention to recommence operations or relinquish Certificate F4082 despite a request from Commission staff to do so.

Recommend: Cancellation on 30-days' notice.

DOCKET 17238 (M) - In Re: Motor Carrier General Orders, Rules and Regulations. The UCR Board of Directors has adopted policies that require changes to our rules and regulations governing the UCR program.

Recommend: Institute a rulemaking proceeding and accept comments on proposed amendments to the Motor Carrier General Orders, Rules and Regulations for a period of 30 days.



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WALTER THOMAS JR.

SECRETARY

MEMORANDUM

DATE: April 29, 2010

TO: Commission President Lucy Baxley
Commissioner Jan Cook
Commissioner Susan D. Parker
Division Directors

FROM: Legal Division

SUBJECT: Supplemental Agenda (1) - May 4, 2010 Commission Meeting

The Legal Division will present the following at the May 4, 2010 Commission Meeting:

DOCKET C-15916 (M) - Petition of Charles F. Rivers, d/b/a C&P Trucking for approval of cargo self-insurance.

Recommend: Approval

DOCKET 26125 (M) - Petition of Terry Law, d/b/a T & M Trucking for cancellation of Motor Carrier Certificate F1218.

Recommend: Grant cancellation as requested.

DOCKET 30622 (M) - Petition of D & J Burgess Enterprises, Inc. for cancellation of Motor Carrier Certificate F3893.

Recommend: Grant cancellation as requested.

DOCKET 31377 (M) - Motor Carrier application of David E. Pike, d/b/a Earl's Moving Company for a certificate to transport household goods.

Recommend: Grant certificate and approval of tariff

DOCKET 31379 (M) - Motor Carrier application of Theron Smith, Inc for a certificate to transport household goods.

Recommend: Grant certificate and approval of tariff

DOCKET C-15866; (M) - Petition of Joe-Joe's Mortuary, Inc. for reinstatement of Motor
31368 Carrier Certificate 3863 (Informal Docket C-15866) and approval of unopposed application to transfer Motor Carrier Certificate 3863 FROM: Joe-Joe's Mortuary, Inc. TO: Tri-State Mortuary, Inc. (Docket 31368).

Recommend: Grant Petition to Reinstate Motor Carrier Certificate 3863 for the sole purpose of transferring Certificate 3863 in good standing and approval of transfer application.

DOCKET 31353 (M) - Application of Gulf Coast Home Phone Services, Inc. for a Certificate of Public Convenience and Necessity to provide Local Exchange Service, Long Distance Interexchange Service, and Long Distance Resale Telecommunications Service. Hearing held, no intervention, staff participated.

Recommend: Approval subject to applicant posting a \$10,000 bond.

DOCKET 31292 (M) - Application of Broadview Networks, Inc. for a Certificate of Public Convenience and Necessity to provide Resold Local Exchange Telecommunications Services. Hearing held, AT&T Alabama intervened, staff participated.

Recommend: Approval subject to applicant posting \$10,000 bond.

DOCKET 31367 (G) - Unopposed motor carrier application of Extreme Limousine, L.L.C. to institute a new passenger carrier operation.

Recommend: Grant

DOCKET U-4664 (G) - Joint Petition of ITI Inmate Telephone, Inc. ("ITI") and DSI-ITI, LLC ("DSI") for approval of an asset purchase/agreement which will result in DSI acquiring substantially all of the assets of ITI used in ITI's provision of COCOT service in the State of Alabama.

Recommend: Approval

DOCKET 30436 (G) - Petition of Lifeconnex Telecom, LLC to expand its existing Certificate of Public Convenience and Necessity authorizing the provision of Resold and Competitive Local Exchange Service to also include authority to provide Interexchange Telecommunications Service.

Recommend: Grant of Petition subject to the filing of an appropriate tariff for the new services authorized.

DOCKET 31229 (G) - *Kathleen Graves v. Alabama Power Company*. The complaint of Mrs. Graves concerns a dispute over the cost to serve Mrs. Graves' new residence as imposed by Alabama Power. Alabama Power filed a Motion to Dismiss citing its compliance with all applicable rules in determining its cost to establish service to Mrs. Graves. In a procedural ruling entered on February 5, 2010, Mrs. Graves and her newly retained attorney were advised to respond to Alabama Power's Motion to Dismiss on or before February 17, 2010. No such response has been filed and it does not appear that Mrs. Graves or her attorney have pursued Alabama Power's offer to engage in further discussions.

Recommend: Dismissal of Complaint for failure to prosecute.

DOCKET 31301 (G) - On December 14, 2009, Alabama Power Company ("Alabama Power" or the "Company") filed a Petition for a Certificate of Public Convenience and Necessity that would allow Alabama Power to secure, subject to guidelines specified in the Petition, up to 25 megawatts of capacity whether through the construction or acquisition of smaller scale renewable energy or environmentally specialized generating facilities or the entry into Purchased Power Arrangements ("PPAs") relating to such facilities, or a combination of both. As part of the application, Alabama Power also proposed to acquire rights and assume payment obligations in accordance with a PPA with Westervelt Renewable Energy, LLC ("Westervelt"), involving approximately 7.5 megawatts of capacity from a small scale biomass generating facility operated by Westervelt. For the remainder of the 25 megawatt block proposed in the Petition, the company would be required to satisfy certain criteria as confirmed by staff review in order for a proposed resource or PPA to qualify under the Certificate sought. The procedure for the remaining 17.5 megawatts beyond the Westervelt PPA proposed by Alabama Power involved staff review of four specific criteria which, if met, would result in approval of a PPA without the necessity of a hearing. The Petition of Alabama Power was set for hearing and heard on March 23, 2010. The Alabama Industrial Electric Consumers ("AIEC") and the Office of the Attorney General of Alabama (the "AG") intervened and participated in the hearing. Staff from the Energy and Advisory Divisions also participated in the March 23, 2010, hearing. Posthearing briefs were submitted by AIEC, the AG, and Alabama Power. In their posthearing briefs, both AIEC and the AG opposed on statutory grounds, the Alabama Power Petition with respect to the authority sought beyond the Westervelt PPA. Both Intervenor indicated, however, that they did not oppose the Westervelt PPA.

Recommend: The Legal Division has determined that the process proposed by Alabama Power for the certification of capacity beyond the Westervelt PPA up to 25 megawatts cannot be approved under existing statutes with respect to the actual construction or acquisition of facilities by Alabama Power. The Legal Division has further determined, however, that an expedited process that does not necessarily involve a hearing can be implemented by the Commission under existing statutes with respect to future PPAs up to the 25 megawatts proposed for certification by Alabama Power. Given that determination by the Legal Division, staff from the Legal, Advisory and Energy Divisions have formulated the following recommendations:

1. The Westervelt PPA should be approved as being consistent with the public interest, convenience and necessity.
2. An expedited process for the review and approval of future PPAs up to the 17.5 megawatts of capacity remaining under the Alabama Power proposal under review should be approved as set forth below:
 - APCO must file such PPAs and designate an approval/effective date which corresponds with a Commission meeting date officially established by the Secretary of the Commission.
 - The file date of such PPAs must be no less than 45 days from the proposed approval/effective date.
 - Interested parties, including AIEC and the Office of the Attorney General, will be notified electronically of any such PPA filing by the Commission.
 - Interested parties will have until the close of business on the 15th day following the filing of the PPA in question to submit petitions to intervene with the Secretary of the Commission.
 - Petitions to intervene must be supported by adequate grounds and specifically request a hearing if one is desired.
 - The Legal Division will, in conjunction with Advisory and Energy, evaluate petitions to intervene and recommend to the Commission whether to grant such petitions and/or set the PPA in question for hearing. Such recommendations will appear on the Legal Division agenda. Energy and Advisory will, however, retain their normal prerogative to communicate any disagreement with a recommendation rendered by Legal.

- Even in the absence of a petition to intervene that is granted, the Legal Division, in conjunction with the Advisory and Energy Divisions, will have the latitude to recommend that a particular PPA be set for hearing.
- All such recommendations concerning Alabama Power PPAs submitted under this modified procedure will be presented to the Commissioners for a vote which can be extended by the Commission for no more than 45 additional days.
- Following any 45 additional day window imposed by the Commission, a PPA will go into effect unless disapproved by the Commission.

In conclusion, staff from the Energy, Advisory and Legal Divisions recommend approval of the Westervelt PPA and the Modified Procedure discussed above for review of future PPAs up to the remaining capacity under the 25 megawatt certificate sought in this matter by Alabama Power. Prior to the actual implementation of the Modified Procedure discussed above, however, the staff recommends that further dialogue be conducted with the parties of record concerning the establishment of an ongoing procedure for future Requests for Proposal conducted by Alabama Power regarding capacity, the establishment of a procedure for keeping staff abreast through quarterly submissions of Alabama Power's avoided cost projections, the establishment of minimum filing requirements for PPAs submitted under the Modified Procedure proposed herein, and further assessment of the review criteria that will be adhered to in evaluating PPAs submitted in the future under the Modified Procedure proposed. Actual implementation of the Modified Procedure proposed will be contingent on the establishment of requirements governing the matters for which additional input will be sought from the parties. The initial window for those discussions with the parties will be 30 days.